

Myanmar

MEDICAL DOCTORS AND MEMBERS OF PARLIAMENT

Ill and imprisoned without charge or trial



Prisoners of conscience and NLD MPs-elect **Dr. Than Nyein** (m), 67, and **Dr. May Win Myint** (f), 55, have been imprisoned since October 1997 and are in poor states of health. They have each served a seven year prison sentence for organizing a meeting of opposition party members of the National League for Democracy (NLD).

They have been detained without charge or trial



since the expiry of their sentences and authorities have ordered that they remain in detention until January and February 2006 at the earliest. Both have medical problems, exacerbated by their treatment in detention. Dr. Than Nyein has repeatedly gone on hunger strike to protest his continued imprisonment, and his health is believed to be seriously deteriorating. Amnesty International reiterates calls on authorities for these two prisoners of conscience's immediate and unconditional release from detention.

Amnesty International is particularly concerned by their states of health. Dr. Than Nyein has reportedly not been given the specialist treatment that his chronic liver, stomach and prostate conditions requires. A specialist is reported to have stated in September 2004 that he would require monthly specialist check-ups, but these have not taken place. Dr. Than Nyein has been repeatedly hospitalised during his imprisonment for liver and gall bladder complaints, and Daw May Win Myint has suffered from heart disease, hypertension, eye problems and spondylitis of the neck.

Both Dr. Than Nyein and Daw May Win Myint were elected as NLD Members of Parliament in constituencies in Yangon, the capital of Myanmar, in 1990 elections. The NLD won more than 80% of seats, but authorities have not transferred power to them. They were imprisoned in September 1997 for arranging for opposition leader and Nobel laureate Aung San Suu Kyi to meet with party members. At the time, both had senior organizational roles in the NLD. Dr. May Win Myint headed the NLD's Women's wing, and Dr. Than Nyein was deputy chair of the Yangon Division organizational committee. Both Dr. May Win Myint and Dr. Than Nyein are medical doctors. Dr. May Win Myint has worked, among other places, at a hospital for the handicapped and Dr. Than Nyein has headed a private clinic and worked as a volunteer doctor for the United Nations in Sri Lanka in the 1980s.

In September 2004 Dr. Than Nyein, went on hunger strike while unwell to protest his continued detention. He is reported to have told a family member " *It is inhumane torture to extend the imprisonment with Act 10 (A) [administrative detention law, that allows authorities to detain without charge or trial] to a person whose health condition is deteriorating and who had already served the sentence. I don't want to be killed by the authorities but by myself. That's why I have decided to stage a hunger strike even though I am not in good shape.*" Since then authorities have transferred him between prisons four times. After the first transfer in September he had to be returned to a hospital in the capital after his health had deteriorated dramatically. Authorities moved him again, shortly before he planned to go on hunger strike again, to a prison 241 kilometres from Yangon. He was moved again in January 2005, from Paungte Prison to Pyay Prison, reportedly one day before he was scheduled to receive medical treatment. Pyay Prison is a journey of more than seven hours by road, 288 kilometres from Dr. Than Nyein's family in Yangon. Dr. Than Nyein and Dr. May Win Myint, like many prisoners in Myanmar, are reported to have relied on family members to provide medication for their ailments, and for fresh food to supplement the meagre prison diet, and transfers to distant prisons make this more difficult, and present a further economic burden to relatives.

Since July 2004 when they were eligible to be released, authorities have repeatedly renewed detention orders, without charging or trying them. Under Myanmar law, the Home Minister may detain people without charge or trial anyone whom authorities considers may endanger the state, and detention orders are often repeatedly renewed. Amnesty International is concerned that as well as denying the fundamental right to be presumed innocent and to a trial, this law does not define what constitutes a danger to the state and thereby has allowed authorities to unlawfully and arbitrarily detain people for peaceful political activities.

BACKGROUND

Dr. May Win Myint and Dr. Than Nyein were sentenced in October 1997 for their part in arranging a meeting with party leader Daw Aung San Suu Kyi to officially recognize the local youth committee of the NLD in Mayangone township, in the north of Yangon. At the time there were many restrictions on political party activities. NLD members taking part in national party congresses were routinely detained. It was the second time in the more than two years since being released from house arrest that Aung San Suu Kyi had travelled from her residence to meet with political party members. The meeting was scheduled to take place on 28 October in Mayangone, the constituency where Dr. May Win Myint won her electoral seat. Authorities later stated that they had prohibited the meeting *"because it would lead to a gathering of a mob that would disturb the people."* More than 50 riot police blocked the road and prevented Daw Aung San Suu Kyi and some 20 party officials from travelling to the meeting for three hours.

Dr. Than Nyein and Dr. May Win Myint were arrested that night, and were reportedly deprived of sleep, food and water during interrogation. Other party officials were arrested, and have been released after serving sentences to seven years' imprisonment

PLEASE WRITE

- **calling for the immediate and unconditional release of Dr. Than Nyein and Dr. May Win Myint ;**
- **calling for them to receive all necessary and appropriate medical treatment, pending their release from detention, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners ;**
- **expressing concern that the legislation used to imprison them circumscribes rights and freedoms more than necessary for the preservation of morality and public order, and calling on authorities, in the absence of a legislature, to place a moratorium on its use;**
- **Expressing concern that Dr. Than Nyein has been repeatedly transferred between prisons since September 2004, and urging authorities to allow political prisoners to stay in prisons which are close to their families so their families can visit them on a regular basis and provide them with necessary food and medicine.**

To:

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Salutation: Dear General

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If you are interested in joining AI's campaign for human rights in Myanmar, please contact the AI section in your country. For more information, see our web-site at www.amnesty.org

Please send copies of your letters to the Myanmar embassy in your country.

